

## **REMARKS**

In response to the above-identified Office Action, Applicant traverses the Examiner's rejection to the claims and seeks reconsideration thereof. Claims 1-18 are not pending in the present application. In this response, claims 1-3, 5, 18 and 18 are amended, no claims are cancelled and no claims are added.

### **I. Claim Amendments**

Applicant respectfully submits herewith amendments to claims 1-3, 5, 17 and 18.

Claims 1, 2, 3, 5 and 18 are amended to provide proper antecedent basis for the limitations recited in the claims. In particular, claims 1 and 18 are amended to recite "a selected radio resource" in step (d) and "the selected resource" in step (e). Claim 2 is amended to recite "beams adjacent" instead of "the beams adjacent." Claim 3 is amended to recite "an adjacent beam." Claim 18 is amended to recite "reserved radio resources are allocated by the shared allocation" and "the radio resources that are not used for other reserved allocation services in the current frame." In addition, claims 1 and 18 are amended to replace the recitation of "and/or" with "or."

Lastly, claim 17 is amended to depend from claim 15 instead of claim 1.

Applicants respectfully submit the amendments to the claims are merely to correct informalities and therefore do not add new matter and are supported by the specification. In view of the foregoing, Applicants respectfully request consideration and entry of the amendments.

### **II. Specification Amendments**

Applicants respectfully submit herewith amendments to the specification to correct a typographical error recognized by Applicants. In particular, the specification is amended to correct the recitation of "multibeam satellite 102" to "multibeam satellite 103" on line 6 of page

10. Thus, the amendment is supported by the specification and does not add new matter. In view of the foregoing, Applicants respectfully request consideration and entry of the amendments.

**V. Claim Objections**

In the outstanding Action, claims 5 and 17 are objected to because of informalities. In response, Applicants submit the amendments discussed above in which claim 5 is amended to more clearly claim the radio resources and claim 17 is amended to depend from claim 15 as suggested by the Examiner. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the objection to claims 5 and 17.

**IV. Claim Rejections - 35 U.S.C. §112**

In the outstanding Action, claims 1-3, 5 and 18 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner finds various elements recited in these claims lack antecedent basis. In response, Applicants have amended claims 1-3, 5 and 18 as set forth above to provide proper antecedent basis for the elements noted by the Examiner. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the objection to claims 1-3, 5 and 18.

**IV. Claim Rejections - 35 U.S.C. §103(a)**

A. In the outstanding Action, claims 1, 3, 4, 14 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,142,521 B2 issued to Haugli et al. ("Haugli") in view of U.S. Patent No. 7,072,692 B1 issued to Katz et al. ("Katz"). Applicants respectfully traverse the rejections as follows.

In regard to independent claims 1 and 18, Applicants respectfully submit Haugli in view of Katz fails to disclose or provide an apparent reason for, at least the elements of "a) being periodically reported, from mobile stations, of average receiving power levels of beam pilot signals transmitted in a plurality of beams" and "b) estimating a path gain between beams and the

mobile station based on the reported average power levels of beam pilot signals” as recited in the claims.

Haugli discloses a two-way satellite communication system. See Haugli, Abstract. The Examiner alleges on page 4 of the Action that col. 5, lines 43-46 of Haugli teaches step a). This portion of Haugli generally discloses a technique for minimizing power wherein a terminal is preprogrammed to wake up at specific times to receive messages. In some cases, the message may require an action by the terminal which is performed in a short interval and then the terminal returns to sleep. Haugli states that such action may be to “e.g. make a measurement and transmit the results.” Merely making a measurement and transmitting a result does not teach or suggest “being periodically reported, from mobile stations, of average receiving power levels of beam pilot signals transmitted in a plurality of beams” as recited in claims 1 and 18.

Moreover, in regard to step b), the Examiner fails to point to a portion of Haugli disclosing “estimating a path gain between beams and the mobile station based on the reported average power levels of beam pilot signals.” Applicants have further reviewed the reference and are unable to discern a portion of Haugli disclosing or providing any apparent reason for modifying Haugli to include this element.

In addition, Katz may not be relied upon to cure the deficiencies of Haugli with respect to at least these elements. Katz generally discloses a method of directional radio communication. See Katz, Abstract. The Examiner has not pointed to, and Applicants are unable to discern, a portion of Katz disclosing or providing any apparent reason for the elements of “a) being periodically reported, from mobile stations, of average receiving power levels of beam pilot signals transmitted in a plurality of beams” and “b) estimating a path gain between beams and the mobile station based on the reported average power levels of beam pilot signals” as recited in claims 1 and 18. If the Examiner chooses to maintain the rejections on this basis, Applicants respectfully request the Examiner particularly point out the portion of the references disclosing at least these elements.

Thus, for at least the reason that the combination of Haugli and Katz may not be relied upon to teach or suggest the claimed elements and the Examiner fails to identify any apparent

reason for combining elements in the manner claimed, a *prima facie* case of obviousness may not be established. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 18 under 35 U.S.C. §103 over Haugli in view of Katz.

In regard to claims 3, 4 and 14, these claims depend from claim 1 and incorporate the limitations thereof. Thus, for at least the reasons that claim 1 is not *prima facie* obvious over Haugli in view of Katz, claims 3, 4 and 14 are further not obvious in view of the references. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3, 4 and 14 under 35 U.S.C. §103 over Haugli in view of Katz.

**B.** In the outstanding Action, claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Haugli in view of Katz as applied to claim 1, and further in view of U.S. Patent No. 6,759,978 B2 issued to Lalezari ("Lalezari"). Applicants respectfully traverse the rejections as follows.

Claim 2 depends from claim 1 and incorporates the limitations thereof. Thus, for at least the reasons discussed in regard to claim 1, at least the elements of "a) being periodically reported, from mobile stations, of average receiving power levels of beam pilot signals transmitted in a plurality of beams" and "b) estimating a path gain between beams and the mobile station based on the reported average power levels of beam pilot signals" as recited in claim 1 and further found in claim 2, are not obvious in view Haugli and Katz. In addition, Lalezari may not be relied upon to cure the deficiencies of Haugli and Katz with respect to at least these elements. In particular, the Examiner has not pointed to, and Applicants are unable to discern, a portion of Lalezari disclosing these elements nor does there appear to be any reason to modify Haugli to include these elements in view of Lalezari. In view of the foregoing, a *prima facie* case of obviousness with respect to claim 2 may not be established. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. §103 over Haugli in view of Katz and Lalezari.

**C.** In the outstanding Action, claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Haugli in view of Katz as applied to claim 1, and further in view of U.S. Patent No. 6,674,750 B1 issued to Castellano ("Castellano").

Claim 5 depends from claim 1 and incorporates the limitations thereof. Thus, for at least the reasons discussed in regard to claim 1, at least the elements of “a) being periodically reported, from mobile stations, of average receiving power levels of beam pilot signals transmitted in a plurality of beams” and “b) estimating a path gain between beams and the mobile station based on the reported average power levels of beam pilot signals” as recited in claim 1 and further found in claim 5, are not obvious in view Haugli and Katz. In addition, Castellano may not be relied upon to cure the deficiencies of Haugli and Katz with respect to at least these elements. In particular, the Examiner has not pointed to, and Applicants are unable to discern, a portion of Castellano disclosing these elements nor does there appear to be any reason to modify Haugli to include these elements in view of Castellano. In view of the foregoing, a *prima facie* case of obviousness with respect to claim 5 may not be established. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 5 under 35 U.S.C. §103 over Haugli in view of Katz and Castellano.

#### **V. Allowable Subject Matter**

Applicants acknowledge with appreciation the Examiner’s indication that claims 6-13 and 15-17 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112 and to include all the limitations of the base claim and any intervening claims. Claims 6-13 and 15-17 depend from claim 1. For at least the reasons previously discussed, claim 1 is patentable over the prior art. Thus, for at least the reason that claims 6-13 and 15-17 depend from an allowable base claim, these claims are allowable over the references without rewriting them in independent form as suggested by the Examiner.

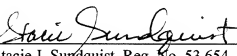
### CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely 1-18, are in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

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Dated: May 11, 2007

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### CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on May 11, 2007.

  
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